GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Horticulture – Society for development of Horticulture Farms registering under Andhra Pradesh Societies Act, 2001 – Orders Issued.

AGRICULTURE AND COOPERATION (HORTI. & SERI.) DEPARTMENT

G.O.Ms,No.63. Dated : 29-07-2016.
Read :-

From the Commissioner of Horticulture, A/{/.Hyderabad Lr.No.Horti Farms/15/2015, dated : 27.1.2016 and even No. Dt.01-02-2016.

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O R D E R :

The Commissioner of Horticulture, A.P., Hyderabad in his letters read above has stated that at present there are 26 farms in the State under Horticulture Department. He has further stated that the HDA has not been listed in the A.P.Reorganisation Act, 2014, therefore as per the instructions of Government vide Govt.Memo.No.4738/Horti./A2/2014, dated : 30.05.2014 the HDA was dissolved HDA forthwith as per Section 24(3) of A.P. Societies Registration Act, 2001. Further the available amount i.e. Rs 14.25 Crores was devided between two States as per area of operation as Rs 5.67 Cr to Telangana State and Rs 8.59 Crores to Andhra Pradesh as per Section 24(5) of A.P. Societies Registration Act, 2001.

2. The Commissioner of Horticulture, A.P., Hyderabad stated that in view of dissolution of the HDA existing in the combined State of Andhra Pradesh and the need to continue the maintenance and development of Horticulture Farms in the State it is necessary to register again the Horticulture Development Agency as per A.P Societies Registration Act 2001 for production and supply high quality plant material/seedlings of various fruit crops particularly of Mango, Guava, Cashew, Coconut etc. to the farmers at reasonable rates.

3. Government after careful consideration have decided to accept the proposal of Commissioner of Horticulture, A.P. Accordingly, the Commissioner of Horticulture, A.P. Accordingly, the Commissioner of Horticulture, A.P. is directed to register a Society under the Andhra Pradesh Societies Act, 2001 for development of Horticulture Farms etc. to enable him to rapidly increase the number of nurseries, departmental farms for supply high quality plant material/seedlings of various fruit crops particularly of Mango, Guava, Cashew, Coconut etc. to the farmers at reasonable rates.

4. Government also direct that the said Society shall consist of the following :

1. Principal Secretary/Secretary in charge of Horticulture Govt. of Andhra Pradesh - Chairperson
2. Commissioner & Director of Horticulture, A.P. - Secretary/ Convener
3. Commissioner & Director of Agriculture, A.P. - Member
4. Commissioner & Director of Tribal Welfare, A.P. - Member
5. Commissioner of Rural Development , A.P. - Member
6. Commissioner & Director of Marketing, A.P. - Member
7. Director of Research, DR.YSRHU - Member
8. Prl.Secretary to Government, Finance Deptt./Nominee – Member
9. Addl.Director/Joint Director of Horticulture, Department of Horticulture, A.P. - Member/ - Treasurer

5. A copy of the Rules, Regulations and Objectives of the Horticulture Development Agency is annexed to this order.

//P.T.O.//

6. This order issues with the concurrence of Finance Deptt. vide their U.O.No.38027/107/FMU(A&CACS)/2016, dated : 18.4.2016.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY,
EX-OFFICIO SECRETARY TO GOVERNMENT (H&S)

To
The Commissioner of Horticulture, TTPC Building, 1st Floor,
Old Market Yard, Chuttugunta (Beside Mini Rythu Bazar,
GUNTUR – 522 007.
All Members Through Commr. Of Horticulture, A.P., Guntur.
Copy to :
The P.S. to Addl.Secy. to C.M.
The P.S. to M (Agrl.)
The P.S. to E.O.S. (H&S)
The Finance (FMU-A&CACS) Deptt.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER

# ANNEXURE TO G.O.MS.NO.63 , AGRL. & COOP. (H&S) DEPTT., DATED : 29-07-2016.

## BY LAWS

## PART - I

**Memorandum of the Association of the "Horticulture Development Agency" in Andhra Pradesh .**

I. The name of the Society shall be the "**Horticulture Development Agency** " herein after called the "Society".

II. The Central Office of the Society shall function from the State headquarters.

III. The objectives of the Society shall be:

1. to step up the process of production of pedigreed plant material in the horticulture departmental nurseries.

2. to strengthen the existing departmental nurseries by developing infrastructure and also to acquire new nurseries wherever necessary.

3. To incorporate Horticulture Farms a per Nursery Act, 2010 and Accreditation with National Horticulture Board (NHB)

4. The Horticulture Farms are to be developed self sufficient to meet demands of plant material in the state and capable of export to other state.

5. to execute plans and programmes for the benefit of fruit, vegetable and ornamental gardeners in the State of Andhra Pradesh.

6. to undertake adoptive trials, demonstrations etc. in the departmental nurseries in order to disseminate technology from Universities and Research Stations.

7. to receive/ accept funds from Governmental departments/agencies, cooperatives, societies, financial institutions and public for furtherance of above objectives.

8. to develop Government Gardens whenever the Government entrusts the job by providing funds.

9. to train personnel in budding / grafting and other propagation technology.

10. to purchase, to take on lease, accept as gift construct or otherwise acquire any loan or property suitable, necessary or useful for the society.

11. to employ directly or indirectly / sanction grants / funds to other institutions / persons to further the programmes to be undertaken / supported by the society.

12. to invest the funds entrusted to the Society upon which security or in any such manner as may, from time to time be determined by the executive committee.

13. to furnish the periodical review of the progress made.

14. to do all other such things as may be considered necessary by the society and may be incidental or conducive to the attainment of its objectives.
15. Staff proposed for society are as under:

| S.No. | Designation | No. of posts | Way of filling |
|---|---|---|---|
| 1 | Joint. Director of Horticulture | 01 | On deputation from department |
| 2 | Asst. Director of Horticulture | 01 | -do- |
| 3 | Horticulture Officer | 01 | -do- |
| 4 | Superintendent | 01 | -do- |
| 5 | Sr. Asst / Office Asst | 01 | On deputation from department / Outsourcing |
| 6 | Jr. Asst | 01 | On deputation from department / Outsourcing |
| 7 | Accountant | 01 | On deputation from department / Outsourcing |
| 8 | Data Entry Operators | 03 | Outsourcing |
| 9 | Office Subordinate | 01 | Outsourcing |

The salaries for the regular employees will be drawn from Department regular funds and outsourcing staff salaries will be drawn from Society funds

IV. The Executive committee / General Body of the Society shall be the body constituted as such under the regulation of the Society the first members of the society shall be:

1. Principal Secretary/Secretary in charge of Horticulture Govt. of Andhra Pradesh - Chairperson

2. Commissioner and Director of Horticulture, A.P State, Hyderabad. Secretary/ Convener

3. Commissioner and Director of Agriculture, A.P State, Hyderabad. Member

4. Commissioner & Director of Tribal Welfare, A.P. Member

5. Commissioner of Rural Development , A.P. Member

6. Commissioner & Director of Marketing A.P State, Hyderabad. Member

7. Director of Research, Dr.Y.S.R Horticulture University Member

8. Prl. Secretary to Govt, Finance Dept/Nominee Member

9. Addl. Director / Joint Director of Horticulture, Dept of Horticulture, A.P State Member/Treasurer

V. The income and property of the society shall be applied towards the promotion of the objectives thereafter as set forth in the memorandum of association subject to such limitations, as the Government of Andhra Pradesh or Government of India may from time to time impose. No portion of the income and property of the society shall be paid

or transferred directly or indirectly by way of profits to the person who may at any time be or have been member of the society or at any person claiming through them provided that nothing herein contained shall prevent payment in good faith or remuneration in return for nay service rendered to the society.

VI. If on the winding up or dissolution of the society there shall remain after the satisfaction of its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among members of the society or any of them but shall be dealt with in such a manner as the Government of Andhra Pradesh may determine.

**CERTIFICATES**

1. “Certified that the Society is formed with no profit motive and no commercial activities are involved in its working”.

2. “Certified that the honorarium to the office bearers are paid from the funds of the Society ”.

3. “Certified that the Society would not engage in agitational activities to Ventilate grievances”

**D E C L A R A T I O N**

“We the undersigned persons in the memo have formed into an Association and responsible to run the affairs of the Association and desirous of getting the society registered under Andhra Pradesh Societies Registration Act, 2001.

| Name of the office bearer in Block letters S/ o. D/o. W/o | Designation of their local stand in the Society. | Occupation | Residential Address | Signature |
|---|---|---|---|---|
| | | | | |
| | | | | |

WITNESS

| Name in Block letters S/ o. D/o. W/o | Designation of their local stand in the Society. | Occupation | Residential Address | Signature |
|---|---|---|---|---|
| | | | | |

## P A R T – II

**Memorandum of the Association of the "Horticulture Development Agency" in Andhra Pradesh .**

NAME: Horticulture Development Agency

ADDRESS: Office of the Commissioner of Horticulture, A.P State, Guntur.

1. Introduction: In the interpretation of these rules the following expressions shall have the following meaning unless inconsistent with subject or context.

   a) The 'Society' shall mean the "Horticulture Development Agency".

   b) Executive Committee / Governing body shall mean the body constituted under these rules.

   c) The ex - officio 'Chairman' shall mean the President of the Society referred to in these regulations.

   d) The Secretary shall mean the Member Secretary and Treasurer of the Society referred to in these regulations.

   e) Special programmes shall mean

      i. grounding of different projects in different horticultural farms / gardens like adoption and demonstration of different propagation techniques in fruit and ornamental plants and production of plant material.
      ii. layout of adoptive trials as recommended by agricultural Universities / department.
      iii. Strengthening infrastructural facilities in Government horticultural nurseries.
      iv. any other programmes recommended by department or universities.

2. Members of the society: The society shall consist of the following members.

| | | |
|---|---|---|
| 1. | Principal Secretary/Secretary in charge of Horticulture Govt. of Andhra Pradesh | Chairperson |
| 2. | Commissioner and Director of Horticulture, A.P State, Hyderabad. | Secretary/ Convener |
| 3. | Commissioner and Director of Agriculture, A.P State, Hyderabad. | Member |
| 4. | Commissioner and Director of Tribal welfare, A.P State, Hyderabad. | Member |
| 5. | Commissioner of Rural Development A.P State, Hyderabad. | Member |
| 6. | Commissioner & Director of Marketing A.P State, Hyderabad. | Member |
| 7. | Director of Research, Horticulture / Agriculture University | Member |
| 8. | Prl. Secretary to Govt, Finance Dept / or Nominee | Member |
| 9. | Addl. Director / Joint Director of Horticulture, Dept. of Horticulture, Andhra Pradesh | Member/ |

3. The society shall maintain a roll of members at its registered office and every member shall sign the roll and state therein his occupation and address.

4. It shall be incumbent upon a member of the society to notify to the Secretary any change of his address and occupation.

5. The society shall enter into the register of members the following particulars.

    a) Name and address of each member.
    b) The date on which the member was admitted and
    c) The date on which the member ceased to be a member.

6. Persons who have signed the Memorandum of Association of this Society shall be first members of the Society duly admitted.

7. The society may admit further members subject to the approval of the Government of Andhra Pradesh

8. When a person becomes or is appointed or is nominated as member of the society by virtue of an office held by him, his membership of the society shall terminate when cease to hold that office and the vacancy so caused be filled by his successor to that office.

9. Whenever a member desires to resign from the membership of the society, he shall address his resignation to the Secretary and present it to him. His / Her resignation shall come to effect only after its acceptance by the Chairman of the Society.

10. The agency shall in consultation with the State Government appoint a member Secretary in whom the Executive authority of the Agency will rest.

11. The Government of A.P and Government of India, Agriculture Universities will be entitled to obtain information, advice and assistance of the society on all matters connected with introduction of plant material, propagation techniques layout of adoptive trials and related matters for benefit of farming communities.

12. The governing body shall meet at least once in a year to discuss and deliberate upon the activities of the Society. A quorum at least 1/3$^{rd}$ of the members shall be essential for a meeting under this regulation. A fresh meeting must be convened within 30 days by the member secretary in case this requirement of quorum is not met in any meeting.

13. The executive committee / governing body shall function not withstanding that any person entitled to be a member by reason of his office is not represented on the governing body for time being. The proceedings and action of the executive committee / general body shall not be invalidated by the above reason, or from the existence of any vacancy or any defects in the appointment of its members.

14. Should a person nominated or selected as a member of the governing body be prevented from attending a meeting, a substitute to take his place at that meeting may be nominated or elected by the authorities who nominate and elect the member. Such a substitute shall be entitled to take part in the meeting and will have the right to vote there on.

15. Powers of the Executive Committee / General Body:

    i. The executive committee shall consists of (9) members in all. One Ex. Officio chairman, one Secretary and (7) Executive members.

ii. The members of the executive committee (governing body) shall be duty – bound to attest the signatures of all the members of newly elected executive committee (governing body and see that the said signatures in shape of an annual list so filled with an Registrar of Societies before 15th day of the succeeding month of the month in which elections were held.

iii. Save herein expressly provided, as having to be passed by society in general meeting, all the duties powers, functions and rights whatsoever or consequential and incidental to the carrying out of the objectives of the Society shall only be exercised or performed by the Executive Committee / general body subject to such limitations as the Government of A.P may from time to time impose.

16. In particular and without prejudice to the generality of the foregoing provisions, the executive committee / general body may.

a. Make, amend, or repeal any byelaws relating on the administration and managements of the affairs of the society to the observations of the provisions contained in the societies Act.

b. to consider the annual budget and its subsequent alterations placed before it by the member Secretary from time to time and to pass it with such modifications as the executive committee / general body may think fit:

c. to accept donations and endowments or give grains upon such terms as it thinks:

d. to delegate any of its powers other than those of making rules to the president, Secretary or other authorities as it may deem fit:

e. to appoint committees, boards and sub committees etc., for such purposes and such purpose and on such terms as it may deem fit and remove any of them.

f. to do generally all such acts and things and may be necessary or incidental to carrying out the objectives of the society or any of them provided the nothing herein contained shall authorize the executive committee / general body to do any set or to pass any bye – laws which may be repugnant to the provisions hereof or to the powers hereby conferred on the executive committee / general body with the objectives of the society.

**Proceedings of the Executive Committee / General body**

17. The Secretary, Food and Agriculture Department Government of A.P shall be the Chairman of the executive committee / General body shall preside at all meetings of the same. In his absence the members present may authorize one of them (other than the member Secretary) to preside over the meeting.

18. The Chairman may himself call or by a requisition in writing signed by him, may required the Secretary to call and meeting of the Executive Committee / General body at any time and on the receipt of such requisition, the secretary shall forthwith call such a meeting.

19. Each member of the Executive Committee / General body shall have one vote and in the event of any equality of notes on any question to be decided, the Chairman shall have a casting note.

20. Any business which it may necessary for the Executive Committee / General Body to perform may be performed by a resolution in writing circulating among all its members and any such regulation do so circulated and approved by a majority of the members

signed shall be as effectual and binding as a resolution passed at a meeting of the Committee / General body.

**Annual General Body Meeting**:

21. The society shall hold an annual meeting at least once in every year before the end of April and not more than 15 months shall lapse between two successive annual general meetings.

22. The balance sheet and the auditor's report shall be placed at the annual general meeting of the society for its consideration.

23. Atleast one third of the total number of members shall form a quorum for the annual general body meeting.

**Funds of Society**

24. The funds of the society shall consist of the following.
    a) Releases for production of plant material from Government of Andhra Pradesh / Government of India.
    b) Releases from Government agencies / corporations / societies etc.
    c) Income from investments
    d) Release from other sources.

25. The bankers of the society shall be chosen as the Chairman of the Executive committee/ General body. All funds of the society should be paid into society account with the said banker's and shall not be withdrawn except on cheque signed by to Secretary duly empowered on the behalf.

26. The society shall distribute the funds to all the districts of the State depending on the need. The funds so released to districts will be operated by persons in change of the farms or district horticultural officers.

27. The accounts of the Society shall be audited by the Charted Accountant to be appointed by the Executive committee / General body. These accounts shall be subject to a second audit by the Accountant General I, A.P state, Hyderabad. The nature of audit to be applied and the details of arrangements to be made in regard to the form of accounts and their maintenance and the presentation of accounts for audit shall be prescribed by Government of A.P with the concurrence of the Accountant General I, A.P, Hyderabad.

28. An annual report of proceedings of the Society and of all work undertaken during the year shall be prepared by Executive Committee / General body for the information of the State. Government of A.P and the members of this society. This report and the audited accounts of the Society shall be placed before the society at the annual general body meeting.

29. Within 30 days after the holding of the annual general body meeting, they shall be filed with the registrar of societies (1) a list of names, addresses and occupations of the members of Executive Committee, the Chairman, Secretary and office bearers of the society. (2) Annual report of the balance sheet and of the auditors report shall be certified by the chairman and Secretary.

30. If any changes occur in the composition of the Executive committee / General body or in the holder of the office of the chairman or the Secretary at any time for any reason arising through such change, within 30 days, be notified to the registrar of societies.

**31. Property of the Society**

All properties belonging to the society shall be deemed to be vested with the Executive committee / General body of the society but shall be referred as “the property of the society”.

**32. Suits and proceedings by and against the society:**

The society may use or may not be used in the name of the chairman or Secretary or any office bearer authorized by the executive committee / general body in this behalf.

33. No suit or proceedings shall abate by reason of any:
    a. Vacancy or change in the holder of the office of the Chairman, the Secretary or any office bearer authorized in this behalf.
    b. Every degree or order against the society in any suit or proceedings shall be executable against the property or the society and not against the person or the property of the Chairman, the Secretary or any office bearer.
    c. Nothing in sub – section 3 shall exempt the Chairman, the Secretary or office bearer of the society from any criminal liability under this Act or entitle him to claim any contribution from the property of the society in respect of any fine paid by him or conviction by a criminal court.

34. Every member of the society may be used or prosecuted by the society for any loss or damage caused to the society or its property or anything done by him detrimental to the interests of the society.

35. The society shall keep at its registered office proper books of accounts in which should be entered accurately.

    a. All sums of money received and the source there of and all sums of money expended by the society and the object or purpose for which sums are expended.
    b. The society’s assets and liabilities.

36. The society shall have its accounts audited once a year by duly qualified and have a balance sheet prepared by him. The auditor shall also submit a report showing the exact state of financial affairs of the society, three copies of the balance – sheet and the auditors report shall be certified by the Auditor.“duly qualified Auditor” means a chartered Accountant Act, 1949 or a person approved by the Registrar of societies in this behalf.

37. Every member of the Executive committee / general body shall have the right of inspection of accounts and registers maintained by the society and proceedings of the meetings of the society at any time during office hours.

38. Members to receive no profits upon dissolution of the society, if after disposal and settlement of the property of the society and its claims and liabilities, there are any surplus assets, such assets shall not be paid to or distributed among the members of the society or any of them but shall be disposed off as directed by the Government of A.P with the approval of the Registrar of societies.

**N O T I C E S**

39. A notice may be served upon any member of the society either personally or by sending it through the post, in an envelope addressed to such member at the address mentioned in the roll of members.

40. Any notice so served by post shall be deemed to have been served on the day following that on which the letter, envelope or wrapper containing the same is posted, and in providing such service, it shall be sufficient to prove that the cover containing such notice was properly addressed and put into the Post Office.

**ALTERATION OF EXTENSION OF THE PURPOSE OF THE SOCIETY**:

41. Subject to the approval of the Government of A.P previously obtained, the society may alter or extend the purpose for which it is established.

    a. If the Executive Committee / General body shall submit the proposition for such alteration or extension as aforesaid to the members of the society in a written or printed report.

    b. If the executive committee / general body shall convene a special general meeting of the members of the society according to their rules for the consideration of the said proposition.

    c. If such report be delivered or sent by post every member of the society fourteen clear days previous to such special general meeting as aforesaid.

    d. If such proposition be agreed to by the votes 60% of the members of the society delivered in person at such special general meeting as aforesaid.

    e. If such proposition be conferred by the votes of two third of the members of the society present at a second special general meeting convened by the Executive Committee / General body at an interval of one month after the former meeting.

42. The rules of the society may be altered at any time by a resolution passed by a majority of the members of the Society present at any meeting of the society which shall have been duly convened for the purpose. The modified rules will be deemed to have come into force in accordance with the provisions contained in the Societies Registration Act 2001.

**INCOME AND PROPERTY**

43. The income and property of the Society shall be applied towards the promotion of the objectives thereafter as set forth in these regulations of Association subject to in respect of the expenditure of grants made by the Government of India may, from time to time impose. No part of the society shall be paid or transferred directly or indirectly by way of profits to persons who may at any time claiming..

44. If on the winding up or discussion of the society, there shall remain after the satisfaction of the debts and liabilities, any property whatsoever, the same hall not be paid to, or distributed among the members of the society or any of them, but shall be dealt within such a manner as the Government of A.P may determine.

**CERTIFIED TO BE A CORRECT COPY**

| Name of the office bearer S/o,D/o W/o | Designation | Age | Address | Occupation | Signature |
|---|---|---|---|---|---|
| | | | | | |

**WITNESSES:**

| Name in Block Letters | Designation | Age | Residential Address | Occupation | Signature |
|---|---|---|---|---|---|
| | | | | | |